

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2023-2024 Regular Session

SB 1051 (Eggman)
Version: April 11, 2024
Hearing Date: April 23, 2024
Fiscal: No
Urgency: No
ME

SUBJECT

Victims of abuse or violence: lock changes

DIGEST

This bill protects survivors of abuse by requiring landlords to change the locks of tenants within 24 hours of being provided with specified information regarding the abuse. The bill expands the list of professionals who can certify that the abuse occurred that triggers the protections under this bill. The bill also prohibits a landlord or potential landlord from taking adverse action against the tenant or prospective tenant for exercising their rights under this bill.

EXECUTIVE SUMMARY

This bill expands tenant protections to tenants who are survivors of abuse. Under current law, a survivor of abuse must produce a police report to their landlord in order to require the landlord to change their locks. Many survivors choose to seek help from licensed individuals who are not law enforcement when they are abused. This bill allows for additional professionals, outside of law enforcement, to certify that abuse occurred to trigger the landlord's requirement to change the locks of the survivor's home. The bill also helps provide housing stability to survivors by prohibiting landlords from taking any adverse actions against tenants or possible future tenants for exercising their rights under this bill.

The bill is sponsored by Californians for Safety and Justice, Crime Survivors for Safety and Justice, Family Violence Appellate Project, and National Center for Youth Law. The bill is supported by various organizations that support survivors of abuse. The Committee has not received timely opposition to the bill. Should this bill pass out of this Committee it will next be heard in the Senate Appropriations Committee.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Requires a landlord to change the locks of a protected tenant's dwelling unit upon the protected tenant's written request not later than 24 hours after the protected tenant, as defined, gives the landlord a copy of a court order or police report that restrains a person who is not a tenant of the same dwelling unit as the protected tenant from contact with the protected tenant. (Civ. Code § 1941.5 (b).)
- 2) Existing law allows the protected tenant to change the locks if the landlord fails to do so within 24 hours, as provided. (Civ. Code § 1941.5 (c).)
- 3) Defines "protected tenant" as a tenant who has obtained a court order, as defined, or a police report showing that the tenant or the tenant's household member is a victim of domestic violence, sexual assault, or stalking, as specified. (Civ. Code § 1941.5 (d)(4).)

This bill:

- 1) Repeals, recasts, and revises these provisions to apply when a person is alleged to have committed abuse or violence against an eligible tenant or the immediate family or household member of an eligible tenant, and the person is not a tenant of the same dwelling unit as the eligible tenant.
- 2) Defines "eligible tenant" for these purposes as either a tenant who is a victim of abuse or violence, as defined, or a tenant whose immediate family member or household member is a victim of abuse or violence.
- 3) Requires a landlord to, at the landlord's expense and upon the eligible tenant's written request, change the locks of an eligible tenant's dwelling unit not later than 24 hours after the eligible tenant gives the landlord specified documentation.
- 4) Requires an eligible tenant's written request to include one of the following forms of documentation of the tenant's choosing: (a) a copy of a temporary restraining order, emergency protective order, or protective order, as specified; (b) a copy of a written report by a peace officer, as specified; (c) specified documentation from a qualified third party, as defined, showing that the tenant, their household member, or their immediate family member is seeking assistance for physical or mental injuries resulting from an act of abuse or violence; or (d) any other form of documentation that reasonably verifies the abuse or violence, as specified.
- 5) Provides that the documentation referenced to in 4) c) may be signed by a person who meets the requirements for a sexual assault counselor, domestic violence counselor, a human trafficking caseworker, or a victim of violent crime advocate

only if the documentation displays the letterhead of the office, hospital, institution, center, or organization, as appropriate, that engages or employs, whether financially compensated or not, this counselor, caseworker, or advocate.

- 6) Requires a landlord to reimburse the eligible tenant for expenses the tenant incurred if the eligible tenant changes the locks.
- 7) Requires the landlord to reimburse the protected tenant for expenses the tenant incurred in changing the locks if the landlord fails to change the locks within 24 hours of the tenant providing a written request to the landlord.
- 8) Prohibits a landlord or landlord's agent from taking an adverse action, as defined, based on, among other things, the prospective tenant having previously requested to have their locks changed due to abuse or violence pursuant to the above-described provisions or the prospective tenant, or an immediate family member or household member of the prospective tenant, has been a victim of abuse or violence.
- 9) Provide that a landlord or landlord's agent who violates this prohibition is liable to the prospective or current tenant in a civil action for actual damages and statutory damages of not less than \$100 and not more than \$5,000.

COMMENTS

1. Author's statement and need for the bill

According to the author:

SB 1051 protects survivors of abuse and crime by expanding evictions protections to all household members, closing loopholes in current statute concerning documentation of abuse and a victim's right to remain housed, and will ensure victims remain in their homes as they navigate complicated relationships and family obligations. SB 1051 will expand SB 1017's (Eggman) intent of protecting domestic violence survivors a step further by ensuring that the lock change protection law includes parallel victimization experiences to those covered under survivor lease termination and eviction protections, and that documentation requirements to access lock change protections are consistent with those for other survivor tenant protections. Survivors of domestic violence need to feel protected in their own homes and the changing of the locks is an important piece that California still needs to address. This bill will strengthen survivors' access to safe housing and reduce housing instability and abuse.

The author's office points to a national survey of crime survivors that found that housing insecurity affects victims of violent crime at high rates – nearly 1 in 3 survivors

of violent crime (31%) would have wanted but did not receive emergency or temporary housing, and more than half (52%) wanted to relocate. More than 1 in 4 violent crime survivors feared being forced out of their housing or were evicted because of their victimization.¹

The bill updates California's current lock change law and prohibits landlords from rejecting rental applications because of circumstances surrounding a tenant's victimization. Currently, only survivors who have a police report or court order are eligible to have their locks changed, even if they have other forms of reliable evidence of victimization. US Department of Justice data show that nearly 6 in 10 violent crimes are not reported to police.² Most survivors facing ongoing threats of violence also do not always have a court order.³

Some survivors may also fear that calling the police or obtaining a court order could make them less safe in the immediate aftermath. Indeed, a 2021 study of survivors impacted by intimate partner violence or sexual assault found that 49% of survivors avoided calling the police because they feared how the person who abused them would respond. Among domestic violence survivors who do call law enforcement, only 2 in 10 report feeling more safe after, and 4 in 10 feel *less safe* after reporting.⁴ Another study found that about 1 in 9 women (11%) killed by an intimate partner had a restraining order, and a fifth of those killed were killed within 2-days of the order being issued.⁵

Survivors also may struggle to find housing because new tenant screenings may negatively consider their experience as a victim or their past exercise of their rights as a victim. For example, landlords may view a survivor unfavorably – and perhaps refuse to rent to them – if the survivor previously needed to end their lease early or have their locks changed because of abuse.

In order to address the above concerns and allow more survivors to benefit from the protections of the lock change law, this bill allows tenants to provide other verifications of abuse that do not require a police report or court order. The bill also prohibits landlords from rejecting rental applications or taking adverse actions against tenant victims of abuse who exercise their rights under this bill.

¹ Alliance for Safety and Justice (2022). [Crime Survivors Speak: National Survey of Victims' Views on Safety and Justice](#).

² US Department of Justice, Bureau of Justice Statistics (2023). Criminal Victimization, 2022.

³ Shah, et. al. (2023). Factors Influencing the Use of Domestic Violence Restraining Orders in Los Angeles. *Violence Against Women*, Jul; 29(9): 1604–1622; Gover, et. al. (2013) When Abuse Happens Again: Women's Reasons for Not Reporting New Incidents of Intimate Partner Abuse to Law Enforcement. *Women & Crim. Justice*. 23:99-120.

⁴ Goodmark, L. (2022). Law Enforcement Experience Report: Domestic Violence Survivors' Survey Regarding Interactions with Law Enforcement. https://www.thehotline.org/wp-content/uploads/media/2022/09/2209-Hotline-LES_FINAL.pdf.

⁵ Vitte, K.A. and Sorenson, S.B. (2008). Restraining orders among victims of intimate partner homicide. *Inj. Prev.* 14: 191-195.

2. There is no opposition to this bill

Crime Survivors for Safety and Justice, sponsors of the bill, explain:

[A] national survey of crime survivors found that housing insecurity affects victims of violent crime at high rates – nearly 1 in 3 survivors of violent crime (31%) would have wanted but did not receive emergency or temporary housing, and more than half (52%) wanted to relocate. More than 1 in 4 violent crime survivors feared being forced out of their housing or were evicted because of their victimization.

Recognizing these issues, the legislature has taken steps in recent years to strengthen protections for crime victims who need to end a lease early to relocate, or who are threatened with eviction due to abuse or violence. But for survivors who wish to stay in their housing and need to change their locks to stay safe, the law is out of date and fails to protect many survivors who are eligible for other housing protections.

Currently, only survivors who have a police report or court order (e.g. a restraining or protective order) are eligible to have their locks changed, even if they have other forms of reliable evidence of victimization that are acceptable for accessing other types of survivor tenant protections. US Department of Justice data show that nearly 6 in 10 violent crimes are not reported to police. Most survivors facing ongoing threats of violence also do not have a court order.

Reasons for not obtaining a police report or court order include legitimate fear that calling the police or obtaining a court order could make survivors less safe in the immediate aftermath. For example, a 2021 study of survivors impacted by intimate partner violence or sexual assault found 49% survivors avoided calling the police because they feared how the person who abused them would respond. Among domestic violence survivors who do call law enforcement, only 2 in 10 reports feeling safer after, and 4 in 10 feel less safe after reporting. Another study found that about 1 in 9 women (11%) killed by an intimate partner had a restraining order, and a fifth of those killed were killed within 2-days of the order being issued.

Access Reproductive Justice writes the following in support of SB 1051:

Currently, only survivors who have a police report or court order (e.g. a restraining or protective order) are eligible to have their locks changed when the person who harmed them does not live with them, even if they have other forms of reliable evidence of victimization that are acceptable for accessing other types of survivor tenant protections. However, US Department of Justice data show that nearly 6 in 10 violent crimes are not reported to police, and most

survivors facing ongoing threats of violence do not have a court order. Survivors commonly do not obtain a police report or court order due to legitimate fear that police interaction or obtaining a court order could make survivors less safe in the immediate aftermath. SB 1051 would standardize existing tenant protections by updating laws that allow survivors to change the locks on their units to make them more secure, expanding eligibility for this protection parallel to lease termination and eviction protection laws for survivors.

It would also clarify current practice that property owners are responsible for the lock change expense. Survivors also may struggle to secure housing because new tenant screenings could negatively consider their experience as a victim or their past exercise of their rights as a victim. For example, landlords may view a survivor unfavorably – and perhaps refuse to rent to them – if the survivor previously needed to end their lease early or have their locks changed because of abuse. Survivors and survivor advocates in California agree that prohibiting landlords from rejecting rental applications because of circumstances surrounding a victimization would help more survivors secure housing. This bill would ensure clarity for property owners and protection for survivors who are searching for new housing.

The California Apartment Association expresses their position of neutrality as follows:

CAA has taken a neutral position on SB 1051, your bill that will strengthen existing law that allows tenants who are survivors of abuse or violence to change the locks on their unit following a victimization. It will also ensure that the lock change protection law includes parallel victimization experiences to those covered under survivor lease termination and eviction protections, and that documentation requirements to access lock change protections are consistent with those for other survivor tenant protections.

We agree that after experiencing abuse or violence, safe and stable housing for survivors and their family members is extremely important. No survivor should have to choose between their safety and their housing stability. For survivors who wish to stay in their rental homes and need to change their locks to stay safe, the law should be updated to protect many survivors who are eligible for other housing protections.

The California Apartment Association is the largest statewide rental housing trade association in the country, representing over 60,000 single family and multi-family apartment owners and property managers who are responsible for over 2 million affordable and market rental units throughout the State of California. We will do our part to educate rental property owners about the changes anticipated by SB 1051.

SUPPORT

California for Safety and Justice (sponsor)
Crime Survivors for Safety and Justice (sponsor)
Family Violence Appellate Project (sponsor)
National Center for Youth Law (sponsor)
Access Reproductive Justice
Bay Area Legal Aid
California Partnership to End Domestic Violence
Californians United for a Responsible Budget
Communities United for Restorative Youth Justice
Community Overcoming Relationship Abuse
Downtown Women's Center
Ella Baker Center for Human Rights
Healthy Alternatives to Violent Environments
Housing and Economic Rights Advocates
Human Options
Legal Aid Society of San Diego
Legal Assistance for Seniors
Los Angeles Center for Law and Justice
Lumina Alliance
Prosecutors Alliance of California
Public Advocates
Public Law Center
Women's Foundation California
Young Women's Freedom Center

OPPOSITION

None received

RELATED LEGISLATION

Pending Legislation: None known.

Prior Legislation:

SB 1190 (Durazo, Ch. 205, Stats. 2020) Extended existing provisions of law authorizing a tenant to terminate a tenancy when the tenant or a household member is a victim of domestic violence, sexual assault, stalking, human trafficking, or elder and dependent adult abuse to also include a crime that caused bodily injury or death, the exhibition, drawing, brandishing, or use of a firearm or other deadly weapon or instrument, or that included the use of force or threat of force against the victim, and expands these provisions to apply if an immediate family member of the tenant is a victim of an eligible crime, as provided.

AB 2413 (Chiu, Ch. 190, Stats. 2018) Enacted a set of provisions primarily designed to: (1) make it easier for tenants to obtain the documentation necessary to secure limited protection against eviction when they, or members of their household, have been victims of domestic violence, sexual assault, stalking, human trafficking, elder abuse, or dependent abuse; and (2) ensure that landlords do not evict or otherwise penalize tenants solely because law enforcement or other emergency services have been summoned to the property to come to the aid of those tenants as victims of domestic violence, abuse, crime, or other emergencies.

AB 418 (Chiu, Ch. 70, Stats. 2015) Extended indefinitely the authorization to use documentation from a qualified third party based on information received by that third party while acting in their professional capacity, as specified, to support a notice to terminate a tenancy when the tenant or a household member becomes the victim of domestic violence, sexual assault, stalking, human trafficking, or abuse of an elder or dependent adult. Reduced from 30 to 14 days the obligation of a tenant who becomes a victim, as specified, to pay rent after providing the landlord with notice to terminate the tenancy, and states that thereafter the tenant shall be released from any rent payment obligation under their lease or rental agreement without penalty.

SB 612 (Leno, Ch. 130, Stats. 2013) Extended tenant protections to victims of human trafficking. Allowed a tenant to terminate their lease upon the issuance of documentation from qualified third parties that demonstrates the tenant or a household member is seeking assistance for physical or mental injuries resulting from abuse, and prohibits landlords from disclosing information related to a tenant's early termination based on abuse, as specified.

SB 1403 (Yee, Ch. 516, Stats. 2012) Extended existing tenant protections to victims of elder or dependent adult physical abuse. Also added protective orders to the list of qualifying documents that a tenant may provide to a landlord to substantiate early termination of a lease.

SB 782 (Yee, Ch. 626, Stats. 2010) Prohibited a landlord from terminating a tenancy based upon an act or acts of domestic violence, sexual assault, or stalking against the tenant or tenant's household member, if the act(s) can be appropriately documented and the perpetrator is not a tenant of the same dwelling unit as the tenant. Permitted a tenant to change locks of the dwelling unit, or request the landlord to do so, as specified, if the tenant has a restraining order against another person based on that other person's acts of domestic violence, sexual assault, or stalking against the tenant.

AB 2052 (Lieu, Ch. 440, Stats. 2008) Authorized a tenant to notify the landlord in writing that they or a household member, as defined, was a victim of an act of domestic violence, sexual assault, or stalking, as defined, and intends to terminate the tenancy. The bill required the tenant to attach a copy of a temporary restraining order or emergency protective order, or a copy of a specified written report by a peace officer, to the notice. The bill authorized the tenant to quit the premises and the tenant is

discharged from payment of rent for any period following 30 days from the date of the notice, or as specified. The bill provided that the notice to terminate tenancy shall be given within 60 days, of date the order was issued or the report was made, or as specified. The provisions of the bill sunset on January 1, 2012. This bill provided that other tenants except a household member who is a victim of domestic violence, sexual assault, or stalking and members of that person's family were not released from their obligations under the rental agreement.
